

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO. 3:19-cr-25-J-32PDB

DARRYL GRAY SMITH, JR.

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**ORDER**

Defendant filed a Motion to Suppress Statements (Doc. 27). Following an evidentiary hearing (Doc. 42), the Magistrate Judge made a Report and Recommendation that the motion be denied (Doc. 45). Defendant objected (Doc. 51) and the government responded (Doc. 53). The motion is now before the undersigned for de novo review.

It is debatable whether law enforcement's aggressive manner in arresting defendant was necessary. However, the Magistrate Judge's conclusion that the manner of arrest did not affect the voluntariness of Defendant's waiver of his Miranda rights is supported by the facts and the law. It is hereby

**ORDERED:**

1. Defendant's Amended Objections to the Report and Recommendation (Doc. 51) are **OVERRULED**.

2. The Magistrate Judge's Report and Recommendation (Doc. 45) is **ADOPTED** as the opinion of the Court.

3. Defendant's Motion to Suppress Statements (Doc. 27) is **DENIED**.

**DONE AND ORDERED** in Jacksonville, Florida this 16<sup>th</sup> day of December, 2019.



TIMOTHY J. CORRIGAN  
United States District Judge

md  
Copies:

Honorable Patricia D. Barksdale  
United States Magistrate Judge

Ashley Washington, AUSA

Mark Rosenblum

Defendant